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APPLICATION NO.	FILING DATE		29925/37559	7132	
10/037,552	01/04/2002	Min-Ho Jung	1//23/3/00		
4743 7590 05:14/2003 MARSHALL, GERSTEIN & BORUN 6300 SEARS TOWER			EXAMINER		
			ZALUKAEVA, TATYANA		
233 SOUTH W CHICAGO, IL	VACKER . 60606-6357		ART UNIT	PAPER NUMBER	
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DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Offic Action Summary    Taylana Zalukaeva			Application No.	Applicant(s)			
Tayana Zalukaeva  ASAORTENED STATUITORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM  THE MALINAE DATE OF THIS COMMUNICATION.  Edemoics of time may be available under the provisions of 3 C/CR 1.136/o.). In no event, noverer, may a reply be timely filed after 2x (e.) (a) (a) (a) (a) (a) (a) (a) (a) (a) (a	Offic Action Summan		10/037,552	JUNG ET AL.			
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THE MAILING DATE OF THIS COMMUNICATION.  Extrements of them may be available under the provisions of 32 CPR 1.136(e). In no event, however, may a reply be timely tited  Extrements or them may be available under the provisions of 32 CPR 1.136(e). In no event, however, may a reply be timely tited  If the period for reply separated above, the maximum statushory period will be statution yenimum at birth (20) days a reply which the statution yenimum at birth (20) days a reply which the statution yenimum at the period for reply separated above, the maximum statushory period will apply and will explice xit (6) MOINTS from the maining date of this communication, even if timely lifed, may reduce any seared patient term adjustment. See 37 CPR 1.746(b).  Status  1) Responsive to communication(s) filled on 04 January 2002  2a) This action is FINAL  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-29 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration:  5) Claim(s) 1-29 is/are pending in the application.  4a) Claim(s) 1-29 is/are pending in the application.  4b) Claim(s) 1-29 are subject to restriction and/or election requirement.  Application Papers  Priority and are request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is/are: a) accepted or b) disapproved by the Examiner.  12) The oath or declaration is objected to by the Examiner.  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some *C  Mone of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copie	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Peri d for Reply						
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3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Claim(s) 1-29 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration:  5   Claim(s) is/are allowed.  6   Claim(s) is/are rejected.  7   Claim(s) is/are objected to.  8   Claim(s) 1-29 are subject to restriction and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner.  10   The drawing(s) filed on is/are: a)   accepted or b)   objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11   The proposed drawing correction filed on is/a   accepted or b)   disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12   The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All   b)   Some * c)   None of:  1.   Certified copies of the priority documents have been received in Application No	1)⊠ Responsiv	e to communication(s) filed on <u>04 Ja</u>	anuary 2002 .				
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4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected.  7) □ Claim(s) is/are objected to. 8) ☒ Claim(s) 1-29 are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) □ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) □ The translation of the foreign language provisional application has been received.  15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  National Patent Application (PTO-152)  b) □ Notice of References Cited (PTO-892)  c) □ Notice of Informal Patent Application (PTO-152)  c) □ Notice of Informal Patent Application (PTO-152)	Disposition of Claims						
5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☒ Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120  13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1 ☐ Certified copies of the priority documents have been received in Application No 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Natachment(s) 10 ☐ Notice of References Cited (PTO-892) 11 ☐ Notice of References Cited (PTO-892) 12 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 13 ☐ Notice of Informal Patent Application (PTO-152) 14 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 15 ☐ Notice of Informal Patent Application (PTO-152)	4)⊠ Claim(s) <u>1-</u>	-29 is/are pending in the application.					
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11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  Authorized References Cited (PTO-892)    Notice of References Cited (PTO-892)   Notice of Draftsperson's Patent Drawing Review (PTO-948)   Interview Summary (PTO-413) Paper No(s)   Notice of Informal Patent Application (PTO-152)   Notice of Information Disclosure Statement(s) (PTO-1449) Paper No(s)   On the control of the certified copies action for the summary (PTO-152)   Notice of Information Disclosure Statement(s) (PTO-1449) Paper No(s)   On the certified copies action for priority under 35 U.S.C. § 119(e) (to a provisional application (PTO-152)   Notice of Information Disclosure Statement(s) (PTO-1449) Paper No(s)   On the certified copies action for priority under 35 U.S.C. § 10							
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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-11, drawn to a copolymer compound, classified in class 526, subclass 319.
- II. Claims 12-18, drawn to an ARC coating composition, classified in class 430,Subclass 270.1.
- III. Claims 19-22, drawn to a method of preparing an antireflective coating composition, classified in class 430, subclass 286.1.
- IV. Claims 23-29, drawn to a semiconductor device, classified in class 438, subclass780.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a thermosetting coating composition, having acid and solvent resistance and useful for automotive machinery and appliances coating, and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should

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applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 3. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions of an acetoxystyrene hydoxyalkyl acrylate copolymer and method of making an antireflective coating, which method is limited by its steps of dissolving, filtering, coating and baking a composition, wherein the composition for coating is not identical to the compound of Group I, are not disclosed as being capable of use together, and due to the reasons discussed above have different modes of operations, different functions and different effects.
  - 4. Inventions II and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process steps, as recited for a coating process are conventional steps for any substrate coating and can be utilized with a materially different product, such as for, example, with acrylic

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polymers having benzotriazole skeleton, as a water or solvent based composition for shielding UV radiation.

- 5. Inventions II and IV are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a thermosetting coating composition for automotive parts and appliances, or as a positive working heat sensitive composition for making lithographic printing form precursors, and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.
  - 6. Inventions I and IV, as well as III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions of a copolymer compound and a semiconductor device, and/or a method for coating a substrate and a

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semiconductor device, are not disclosed as being capable of use together, and have different modes of operations, different functions and different effects.

- 7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 8. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II-IV, restriction for examination purposes as indicated is proper.
- 9. A telephone call was made to Mr. Hull, esq., on May 12, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tatyana Zalukaeva whose telephone number is (703)308-8819. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (703)308-24-50. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

Tatyana Zalukaeva, Ph.D. Primary Examiner

May 12, 2003